

NEWARK & NEWARK LAW FIRM
RICHARD C. NEWARK, ESQ.
Nevada Bar #002763
NARRAH F. NEWARK, ESQ.
Nevada Bar #008201
201 Las Vegas Blvd, S., #350
Las Vegas, NV 89101
(702) 888-2525
Fax: (702) 888-2526
E-mail: BK@nnbklaw.com
Attorneys for Debtor(s)

E-Filed on November 5, 2009

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

| | | |
|-------------------------|---|-----------------------|
| In re: |) | Chapter 13 |
| |) | Case No. 09-16880-bam |
| ROOSEVELT DUBOSE |) | |
| JEANNE R. DUBOSE |) | |
| |) | |
| Debtor(s). |) | DATE: 11/16/09 |
| |) | TIME: 1:30 p.m. |

OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW, the Debtors, ROOSEVELT DUBOSE and JEANNE R. DUBOSE, by and through their attorneys, NARRAH F. NEWARK of NEWARK & NEWARK LAW FIRM, and respectfully request this Court to deny the MOTION FOR RELIEF FROM THE AUTOMATIC STAY filed by BANK OF AMERICAN NATIONAL ASSOCIATION, by and through its attorneys, GREGORY L. WILDE of WILDE & ASSOCIATES and TIFFANY & BOSCO.

POINTS AND AUTHORITIES

11 USC Section 362 (d) (1) states that the Court may terminate, modify or condition stay

"for cause, including the lack of adequate protection of an interest in property of such party in interest;---

11 USC Section 362 (d) (2) the Court may terminate, modify or condition a stay

"with respect to a stay of an act against property under subsection (a) of this section, if-

(A) the debtor does not have an equity in such property AND

(B) such property is not necessary to an effective reorganization

STATEMENT OF FACTS

Debtors' property has liens of approximately 331,373.58 for the property located at 1024 Heberdeen Ct., N Las Vegas, NV 89032, and the home is necessary for an effective reorganization. Debtors believe that they may have minimal equity in the property.

11 USC Section 362 (d) (1) may apply as:

1. Debtors acknowledge that if they are late on the post petition mortgage payments, they will need some time to acquire the necessary funds to cure all post-petition arrearages.

2. Debtors have advised that recent payments have been made and wish to have an accounting to see where they have been applied.

3. Debtors' intention is to stay current on future post-petition mortgage payments.

THEREFORE, Debtors request that the motion filed be denied under 11 USC Section (d) (1) or (2), and that any action on creditor's behalf be stayed for an adequate amount of time to allow Debtors to become current on the post petition mortgage arrearages, if necessary, and/or to Stipulate to an Order Re Adequate Protection.

Respectfully submitted:

NEWARK & NEWARK

By: /s/ NARRAH F. NEWARK
NARRAH F. NEWARK, ESQ.
NB#008201
Attorney for Debtor(s)

**CERTIFICATE OF MAILING OF OPPOSITION TO MOTION
FOR RELIEF FROM AUTOMATIC STAY**

I hereby certify that on November 5, 2009, I faxed and mailed a true and correct copy by facsimile and by first class mail, postage prepaid, to the below named the
OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY:

BofA National Association
c/o Greg Wilde, Esq.
Wilde & Associates
208 S. Jones
Las Vegas, NV 89107
VIA FACSIMILE & ECF

Rick Yarnall, Trustee
701 E. Bridger #820
Las Vegas, NV 89101
VIA ECF

Roosevelt and Jeanne Dubose
1024 Heberdeen Ct.
North Las Vegas, NV 89032

/s/ Betsy L. Smith
An employee of NEWARK & NEWARK LAW FIRM

**** SECTION 362 INFORMATION SHEET ****Roosevelt Dubose and Jeanne Dubose
DEBTOR(S)Chapter 13
Case No.: 09-16880-BAMBank of America, National Association as successor by merger to LaSalle Bank National Association, as Trustee under the Pooling and Servicing Agreement dated as of March 1, 2007, GSAMP Trust 2007-HE2
MOVANT

PROPERTY INVOLVED IN THIS MOTION: 1024 Heberdeen Ct., North Las Vegas NV 89032

NOTICE SERVED ON: Debtor(s) ____x____; Debtor (s) Counsel ____x____; Trustee ____x____

DATE OF SERVICE: _____

MOVING PARTY'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st Bank of America, National Association as
successor by merger to LaSalle Bank National
Association, as Trustee under the Pooling and
Servicing Agreement dated as of March 1, 2007,
GSAMP Trust 2007-HE2 (PB \$238,861.58)2nd Litton Loan Servicing
(PB \$89,012.00)

Other IRS (PB \$3,500.00)

Total Encumbrances: \$331,373.58

APPRAISAL or OPINION as to VALUE:
"Per attached Schedule "A" \$231,290.00**TERMS OF MOVANT'S CONTRACT
WITH THE DEBTOR**

Amount of Note: \$320,000.00

Interest Rate: 5.769999999999996

Duration: 30 Year

Payment Per Month: \$ 1,436.56

Date of Default: August 1, 2009

Amount of Arrearages: \$5,192.80

SPECIAL CIRCUMSTANCES: I, Gregory L.
Wilde, hereby certify that an attempt has been made to
confer with debtor(s) counsel, or with debtor(s) and
that more than two (2) business days have expired, and
that after sincere effort to do so, counsel has been
unable to resolve this matter without court action.

SUBMITTED BY: _____

SIGNATURE: _____

DEBTOR'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st _____2nd _____

Total Encumbrances: \$ _____

APPRAISAL or OPINION as to VALUE:

OFFER OF "ADEQUATE**PROTECTION" FOR MOVANT:**

SPECIAL CIRCUMSTANCES:

SUBMITTED BY: _____

SIGNATURE: _____

EXHIBIT **B**